

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: August 16, 2006

Division: Growth Management

Bulk Item: Yes ☐ No ☒

Department: Planning and Environmental Res.

Staff Contact Person: Ty Symroski

AGENDA ITEM WORDING:

MONROE COUNTY PLANNING DEPARTMENT is requesting a Future Land Use Map Amendment from Residential High (RH), Recreation (R) and Airport District (AD) to Mixed Use/Commercial (MC) for property legally described as Part NE ¼ of SW ¼ of Section 7, Township 59S, Range 41E, Ocean Reef, Monroe County, Florida, having Real Estate Number: 00081720.000300.

MONROE COUNTY PLANNING DEPARTMENT is requesting a Future Land Use Map Amendment from Recreation (R) to Mixed Use/Commercial (MC) for property legally described as Part NE ¼ of SW ¼ of Section 7, Township 59S, Range 41E, Ocean Reef, Monroe County, Florida, having Real Estate Numbers: 00081720.000302 and 00081740.000300.

(first of two public hearings)

ITEM BACKGROUND:

This is a Planning Department-sponsored amendment. The Development Review Committee held a public hearing on this matter on April 11, 2006 and recommended approval of the amendment. The Planning Commission held a public hearing on this matter on June 28, 2006 and recommended approval of the amendment.

PREVIOUS RELEVANT BOCC ACTION: In 1995, a Land Use Designation change was approved from Sparsely Settled (SS) to Suburban Commercial (SC).

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A

BUDGETED: Yes ☐ No ☐

COST TO COUNTY: N/A

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes ☐ No ☐

AMOUNT PER MONTH _____ **Year** _____

APPROVED BY: County Atty X OMB/Purchasing _____ Risk Management _____

DIVISION DIRECTOR APPROVAL:

Ty Symroski 8/1/2-6
Ty Symroski.

DOCUMENTATION: Included X Not Required _____

DISPOSITION: _____

AGENDA ITEM # _____

**MONROE COUNTY YEAR 2010
COMPREHENSIVE PLAN AMENDMENT
FUTURE LAND USE MAP AMENDMENT FROM
RESIDENTIAL HIGH (RH), RECREATION (R) & AIRPORT DISTRICT (AD)
TO MIXED USE COMMERCIAL (MC)**

AND FROM

**RECREATION (R)
TO MIXED USE COMMERCIAL (MC)**

**BOARD OF COUNTY COMMISSIONERS
KEY LARGO
AUGUST 16, 2006**

PROPOSED FUTURE LAND USE MAP AMENDMENT

**RESIDENTIAL HIGH (RH), RECREATION (R) & AIRPORT DISTRICT (AD)
TO MIXED USE/COMMERCIAL (MC)**

**A REQUEST BY THE MONROE COUNTY PLANNING DEPARTMENT FOR A
FUTURE LAND USE MAP (FLUM) AMENDMENT FROM RESIDENTIAL
HIGH (RH), RECREATION (R) AND AIRPORT DISTRICT (AD) TO MIXED
USE/COMMERCIAL (MC) FOR PROPERTY LEGALLY DESCRIBED AS PART
NE ¼ OF SW ¼ OF SECTION 7, TOWNSHIP 59S, RANGE 41E, OCEAN REEF,
MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER:
00081720.000300 AND A FUTURE LAND USE MAP AMENDMENT FROM
RECREATION (R) TO MIXED USE/COMMERCIAL (MC) FOR PROPERTY
LEGALLY DESCRIBED AS PART NE ¼ OF SW ¼ OF SECTION 7, TOWNSHIP
59S, RANGE 41E, OCEAN REEF, MONROE COUNTY, FLORIDA, HAVING
REAL ESTATE NUMBERS: 00081720.000302 AND 00081740.000300.**

RECOMMENDATIONS

**DRC: April 11, 2006
PC: June 28, 2006**

BOCC TRANSMITTAL RESOLUTION

RESOLUTION NO. -2006

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **TRANSMITTING** TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS THE REQUEST BY THE MONROE COUNTY PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO AMEND THE FUTURE LAND USE MAP (FLUM) OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FROM RECREATION (R) TO MIXED USE/COMMERCIAL (MC) FOR PROPERTY DESCRIBED AS PART OF THE NE ¼ OF THE SW ¼ OF SECTION 7, TOWNSHIP 59 SOUTH, RANGE 41 EAST, OCEAN REEF, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS: 00081720.000302 AND 00081740.000300 AND FROM RECREATION (R), RESIDENTIAL HIGH (RH), AND AIRPORT DISTRICT (AD) TO MIXED USE/COMMERCIAL (MC) FOR PROPERTY DESCRIBED AS PART OF THE NE ¼ OF THE SW ¼ OF SECTION 7, TOWNSHIP 59 SOUTH, RANGE 41 EAST, OCEAN REEF, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00081720.000300.

WHEREAS the Monroe County Board of County Commissioners makes the following findings of fact:

1. The Development Review Committee held a meeting on April 11, 2006 and recommended to the Planning Commission that they approve the proposed Future Land Use Map Amendments.
2. The Planning Commission acting as the Local Planning Agency held a duly advertised public hearing on June 28, 2006 and made a recommendation to the Board of County Commissioners that they approve the proposed Future Land Use Map Amendments.
3. The Monroe County Board of County Commissioners held a public hearing for the purpose of considering the transmittal to the Florida Department of Community Affairs for review and comment of a proposed amendment to the Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, changing the future land use designation of the properties described above.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Section 1. The Board of County Commissioners does hereby adopt the recommendations of the Planning Commission pursuant to the draft ordinance for adoption of the proposed Future Land Use Map amendment.

Section 2. The Board of County Commissioners does hereby transmit the proposed amendment to the Florida Department of Community Affairs for review and comment in accordance with the provisions of Chapter 163.3184, Florida Statutes.

Section 3. The Monroe County staff is given authority to prepare and submit the required transmittal letter and supporting documents for the proposed amendment in accordance with the requirements of 9J-11.006 of the Florida Administrative Code; and

Section 4. The Clerk of the Board is hereby directed to forward a certified copy of this resolution to the Director of Planning.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the 16th day of August, 2006.

Mayor Charles "Sonny" McCoy
Mayor Pro Tem Dixie Spehar
Commissioner George Neugent
Commissioner _____
Commissioner Glenn Patton

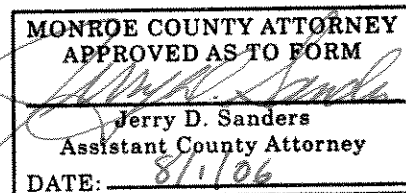
BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA

BY _____
Mayor Charles "Sonny" McCoy

(Seal)

ATTEST: DANNY L. KOLHAGE, CLERK

Deputy Clerk



BOCC ORDINANCE TO AMEND
THE FUTURE LAND USE DISTRICT MAP (FLUM)



ORDINANCE NO.:

A ORDINANCE BY THE MONROE COUNTRY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST FILED BY MONROE COUNTY PLANNING TO AMEND THE FUTURE LAND USE MAP OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FROM RECREATION (R) TO MIXED USE/COMMERCIAL (MC) FOR PROPERTY DESCRIBED AS PART OF THE NE ¼ OF THE SW ¼ OF SECTION 7, TOWNSHIP 59 SOUTH, RANGE 41 EAST, OCEAN REEF, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS: 00081720.000302 AND 00081740.000300 AND FROM RECREATION (R), RESIDENTIAL HIGH (RH), AND AIRPORT DISTRICT (AD) TO MIXED USE/COMMERCIAL (MC) FOR PROPERTY DESCRIBED AS PART OF THE NE ¼ OF THE SW ¼ OF SECTION 7, TOWNSHIP 59 SOUTH, RANGE 41 EAST, OCEAN REEF, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS: 00081720.000300.

WHEREAS, the Monroe County Board of County Commissioners, during a regular meeting held on August 16, 2006 conducted a review and consideration of the request filed by Monroe County Planning to amend the Future Land Use Map (FLUM) from Recreation (R) to Mixed Use/Commercial (MC) is for property described as part of the NE ¼ of the SW ¼ of Section 7, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate numbers: 00081720.000302 and 00081740.000300 and from Recreation (R), Residential High (RH), and Airport District (AD) to Mixed Use/Commercial (MC) for property described as part of the NE ¼ of the SW ¼ of Section 7, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate numbers: 00081720.000300; and

WHEREAS, the Monroe County Planning Commission, during a regular meeting held on June 28, 2006 conducted a review of these same requests and recommended approval to the Board of County Commissioners; and

WHEREAS, the Monroe County Development Review Committee, during a regular meeting held on April 11, 2006 conducted a review and consideration of these same requests and recommended approval to the Planning Commission; and

WHEREAS, the Board of County Commissioners examined the staff report prepared by Julianne Thomas, planner on July 27, 2006; and

WHEREAS, the Board of County Commissioners makes the following **Findings of Fact**:

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.

2. In accordance with **Section 9.5-511 (d) (5) (b)**:

(ii.) Changed assumptions:

ORC is a gated, private community committed to meeting the commercial and communication needs of its residents on site. As such, areas identified for commercial development need to have the appropriate FLUM to allow commercial development.

(iv.) New issues

Staff identified this parcel as have inconsistent zoning and FLUM designations. Research showed that a land use designation change occurred in 1996 under a development agreement with Ocean Reef but the corresponding FLUM designations were never updated. Staff is attempting to remove these inconsistencies.

(v.) Recognition of a need for additional detail or comprehensiveness:

There are limited areas in ORC that are zoned for commercial uses. Changing the land use designation and FLUM of this parcel will allow this area of Ocean Reef to be developed for both commercial and residential uses in a cohesive way.

3. The subject properties were zoned RU-3, RU-1 and GU prior to 1986.
4. The subject properties were assigned zoning of Sparsely Settled (SS) in 1986.
5. The subject properties were changed to a Sub Urban Commercial (SC) Land Use Designation in 1996 pursuant to an agreement between Ocean Reef and Monroe County.
6. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, followed the land use district boundary and designated a future land use category of Residential High (RH), Recreation (R), and Airport District (AD) for the SS parcel.
7. The FLUM designations were not changed in 1996 when the Land Use Designation was changed.
8. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.
9. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
10. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.

WHEREAS, the Board of County Commissioners makes the following **Conclusions of Law**:

1. This map amendment meets criteria (ii), (iv), and (v) outlined in Section 9.5-511 of the Monroe County Land Development Regulations.

2. This map amendment will not result in a negative impact or alter the character of the properties or the immediate vicinity.
3. Based on the Findings of Facts presented, the proposed Future Land Use Map designation is appropriate for this property and will allow the owners to make full use of the subject property.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA THAT:

Section 1. The Board specifically adopts the findings of fact and conclusions of law stated above.

Section 2. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan shall be amended as shown in on the attached map, hereby incorporated by reference and attached as Exhibit 1.

Section 3. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

Section 5. This ordinance is hereby transmitted by the Planning Department to the Department of Community Affairs for review and comment pursuant to Chapter 163, Florida.

Section 6. The Monroe County Staff is authorized to prepare and submit the required transmittal letter and supporting documents for the proposed amendment in accordance with the requirements of 9J-11.011 of the Florida Administrative Code.

Ocean Reef FLUM Ordinance

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the _____ day of _____ 2007.

Mayor Charles "Sonny" McCoy _____
Mayor Pro Tem, Dixie Spehar _____
Commissioner George Neugent _____
Commissioner _____ _____
Commissioner Glenn Patton _____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY _____
Mayor Charles "Sonny" McCoy

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

DEPUTY CLERK

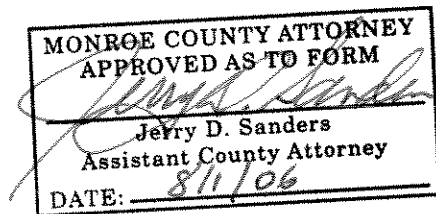
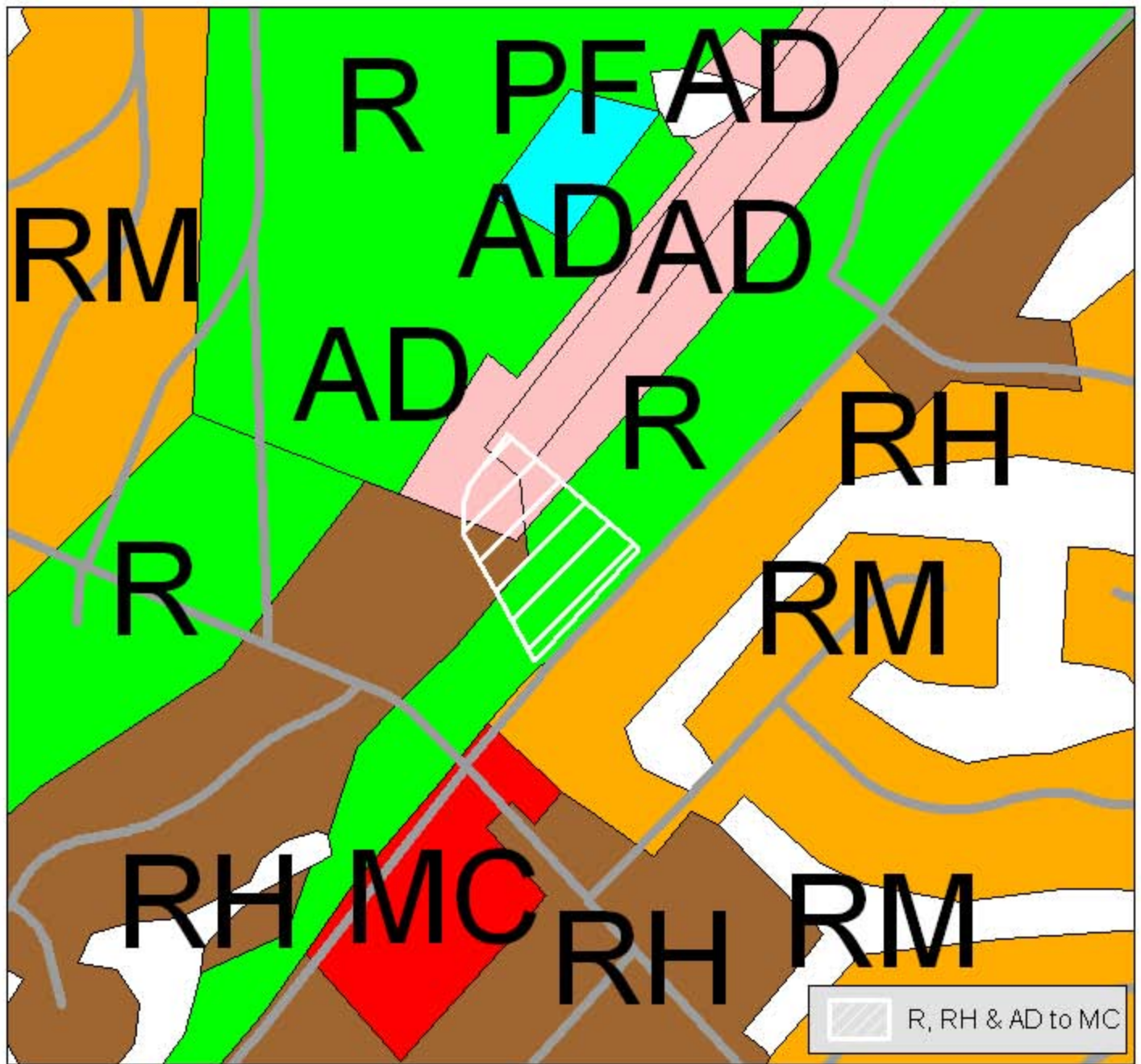


EXHIBIT 1: FUTURE LAND USE MAPS



**The Monroe County Year 2010 Comprehensive Plan
Future Land Use Map is proposed to be amended as
indicated above and briefly described as:**

Key: Key Largo

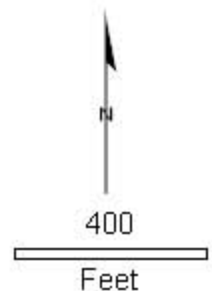
Mile Marker: Ocean Reef Club

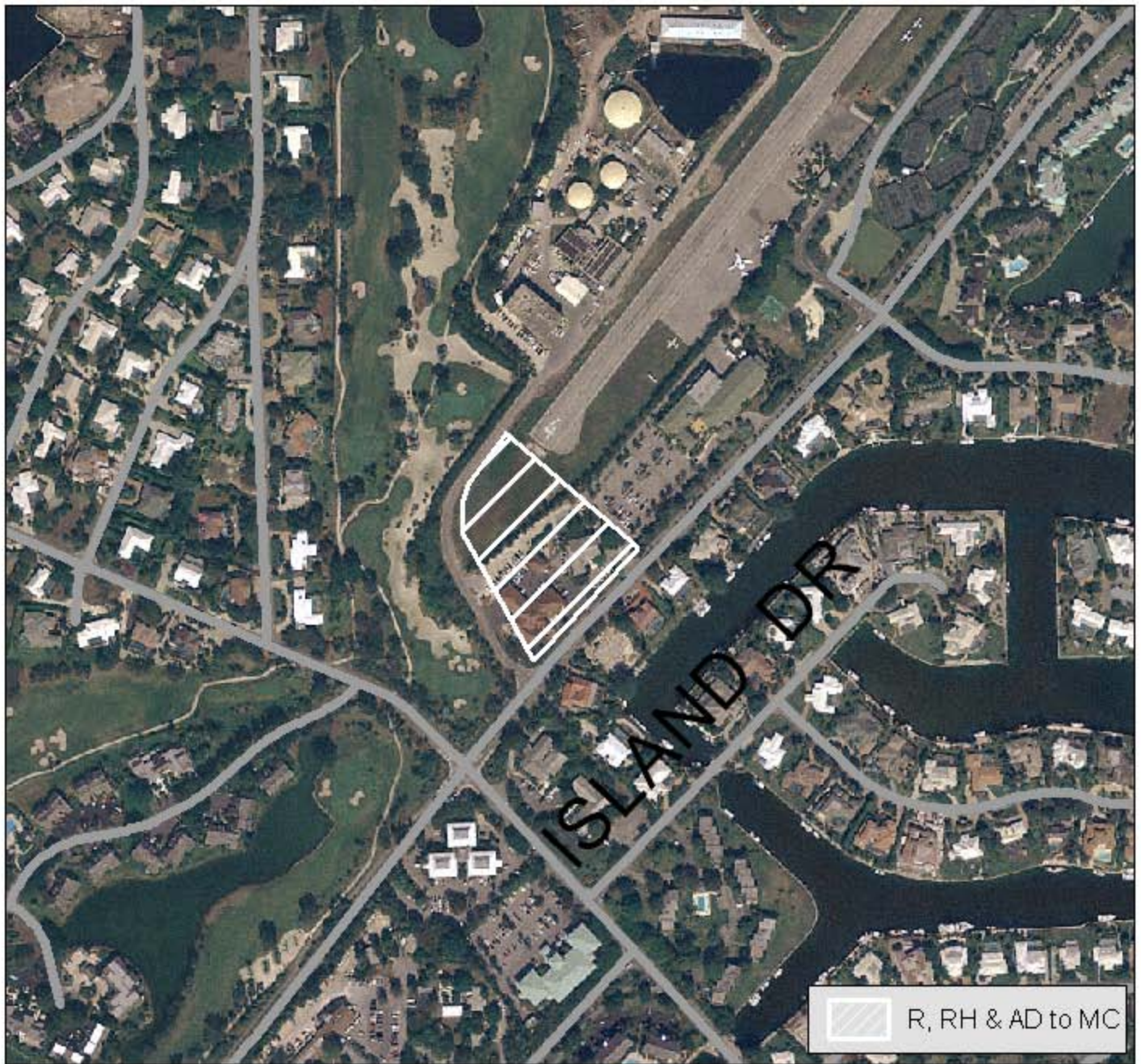
Proposal: Change Future Land Use Map Designation from
Recreation (R), Residential High and Airport District (AD)
to Mixed Use Commercial (MC)

Property Description: RE 00081720.000300, 00081720.000302, 00081740.000300

Map Amendment:

Land Use District Map #: 55 & 56





Proposed Future Land Use Map Amendment: Aerial Map

Key: Key Largo

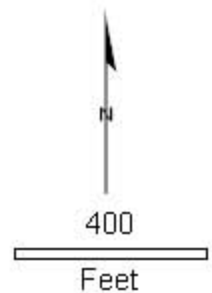
Mile Marker: Ocean Reef Club

Proposal: Change Future Land Use Map Designation from Recreation (R), Residential High and Airport District (AD) to Mixed Use Commercial (MC)

Property Description: RE 00081720.000300, 00081720.000302, 00081740.000300

Map Amendment:

Land Use District Map #: 55 & 56





Proposed Future Land Use Map Amendment: Street Map

Key: Key Largo

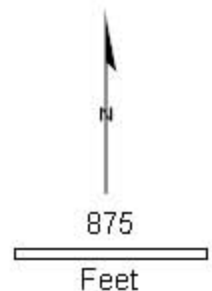
Mile Marker: Ocean Reef Club

Proposal: Change Future Land Use Map Designation from Recreation (R), Residential High and Airport District (AD) to Mixed Use Commercial (MC)

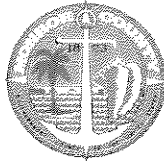
Property Description: RE 00081720.000300, 00081720.000302, 00081740.000300

Map Amendment:

Land Use District Map #: 55 & 56



PLANNING COMMISSION RESOLUTION



PLANNING COMMISSION RESOLUTION NO.:

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL TO THE BOARD OF COUNTY COMMISSIONERS OF THE REQUEST FILED BY MONROE COUNTY PLANNING TO AMEND THE FUTURE LAND USE MAP OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FROM RECREATION (R) TO MIXED USE/COMMERCIAL (MC) IS FOR PROPERTY DESCRIBED AS PART OF THE NE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SECTION 7, TOWNSHIP 59 SOUTH, RANGE 41 EAST, OCEAN REEF, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS: 00081720.000302 AND 00081740.000300 AND FROM RECREATION (R), RESIDENTIAL HIGH (RH), AND AIRPORT DISTRICT (AD) TO MIXED USE/COMMERCIAL (MC) FOR PROPERTY DESCRIBED AS PART OF THE NE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SECTION 7, TOWNSHIP 59 SOUTH, RANGE 41 EAST, OCEAN REEF, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS: 00081720.000300.

WHEREAS, the Monroe County Planning Commission, during a regular meeting held on June 28, 2006 conducted a review and consideration of the request filed by Monroe County Planning to amend the Future Land Use Map (FLUM) from Recreation (R) to Mixed Use/Commercial (MC) is for property described as part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 7, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate numbers: 00081720.000302 and 00081740.000300 and from Recreation (R), Residential High (RH), and Airport District (AD) to Mixed Use/Commercial (MC) for property described as part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 7, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate numbers: 00081720.000300; and

WHEREAS, the Monroe County Development Review Committee, during a regular meeting held on April 11, 2006 conducted a review and consideration of the request filed by Monroe County Planning to amend the Future Land Use Map (FLUM) from Recreation (R) to Mixed Use/Commercial (MC) is for property described as part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 7, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate numbers: 00081720.000302 and 00081740.000300 and from Recreation (R), Residential High (RH), and Airport District (AD) to Mixed Use/Commercial (MC) for property described as part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 7, Township 59 South, Range 41 East,

Ocean Reef, Key Largo, Monroe County, Florida, having real estate numbers: 00081720.000300 and recommended approval to the Planning Commission; and

WHEREAS, the Planning Commission examined the staff report prepared by Julianne Thomas, planner on June 21, 2006; and

WHEREAS, the Planning Commission made the following **Findings of Fact**:

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.

2. In accordance with **Section 9.5-511 (d) (5) (b)**:

(ii.) Changed assumptions:

ORC is a gated, private community committed to meeting the commercial and communication needs of its residents on site. As such, areas identified for commercial development need to have the appropriate FLUM to allow commercial development.

(iv.) New issues

Staff identified this parcel as have inconsistent zoning and FLUM designations. Research showed that a land use designation change occurred in 1996 under a development agreement with Ocean Reef but the corresponding FLUM designations were never updated. Staff is attempting to remove these inconsistencies.

(v.) Recognition of a need for additional detail or comprehensiveness:

There are limited areas in ORC that are zoned for commercial uses. Changing the land use designation and FLUM of this parcel will allow this area of Ocean Reef to be developed for both commercial and residential uses in a cohesive way.

3. The subject properties were zoned RU-3, RU-1 and GU prior to 1986.
4. The subject properties were assigned zoning of Sparsely Settled (SS) in 1986.
5. The subject properties were changed to a Sub Urban Commercial (SC) Land Use Designation in 1996 pursuant to an agreement between Ocean Reef and Monroe County.
6. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, followed the land use district boundary and designated a future land use category of Residential High (RH), Recreation (R), and Airport District (AD) for the SS parcel.
7. The FLUM designations were not changed in 1996 when the Land Use Designation was changed.
8. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.
9. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.

10. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.

WHEREAS, the Planning Commission made the following **Conclusions of**

Law:

1. This map amendment meets criteria (ii), (iv), and (v) outlined in Section 9.5-511 of the Monroe County Land Development Regulations.
2. This map amendment will not result in a negative impact or alter the character of the properties or the immediate vicinity.
3. Based on the Findings of Facts presented, the proposed Future Land Use Map designation is appropriate for this property and will allow the owners to make full use of the subject property.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, to recommend **APPROVAL** to the Monroe County Board of County Commissioners of the request filed by Monroe County Planning to amend the Future Land Use Map (FLUM) from Recreation (R) to Mixed Use/Commercial (MC) is for property described as part of the NE ¼ of the SW ¼ of Section 7, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate numbers: 00081720.000302 and 00081740.000300 and from Recreation (R), Residential High (RH), and Airport District (AD) to Mixed Use/Commercial (MC) for property described as part of the NE ¼ of the SW ¼ of Section 7, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate numbers: 00081720.000300.

PASSED AND ADOPTED by the Planning Commission of Monroe County, Florida, at a regular meeting held on the 28th day of June 2006.

Chair James D. Cameron	<u>YES</u>
Commissioner Sherry Popham	<u>YES</u>
Commissioner Randy D. Wall	<u>YES</u>
Commissioner Michelle Cates-Deal	<u>YES</u>
Commissioner Donna Windle	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

By _____
James D. Cameron, Chair

Signed this _____ day of _____, 2006

DEVELOPMENT REVIEW COMMITTEE RESOLUTION



DEVELOPMENT REVIEW COMMITTEE

A RESOLUTION BY THE MONROE COUNTY DEVELOPMENT REVIEW COMMITTEE RECOMMENDING APPROVAL TO THE PLANNING COMMISSION OF THE REQUEST FILED BY MONROE COUNTY PLANNING TO AMEND THE FUTURE LAND USE MAP OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FROM RECREATION (R) TO MIXED USE/COMMERCIAL (MC) IS FOR PROPERTY DESCRIBED AS PART OF THE NE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SECTION 7, TOWNSHIP 59 SOUTH, RANGE 41 EAST, OCEAN REEF, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS: 00081720.000302 AND 00081740.000300 AND FROM RECREATION (R), RESIDENTIAL HIGH (RH), AND AIRPORT DISTRICT (AD) TO MIXED USE/COMMERCIAL (MC) FOR PROPERTY DESCRIBED AS PART OF THE NE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SECTION 7, TOWNSHIP 59 SOUTH, RANGE 41 EAST, OCEAN REEF, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS: 00081720.000300.

WHEREAS, the Monroe County Development Review Committee, during a regular meeting held on April 11, 2006 conducted a review and consideration of the request filed by Monroe County Planning to amend the Future Land Use Map (FLUM) from Recreation (R) to Mixed Use/Commercial (MC) is for property described as part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 7, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate numbers: 00081720.000302 and 00081740.000300 and from Recreation (R), Residential High (RH), and Airport District (AD) to Mixed Use/Commercial (MC) for property described as part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 7, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate numbers: 00081720.000300; and

WHEREAS, the Development Review Committee examined the staff report prepared by Julianne Thomas, planner on March 31, 2006; and

WHEREAS, the Development Review Committee made the following **Findings of Fact**:

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. In accordance with **Section 9.5-511 (d) (5) (b)**:

(ii.) Changed assumptions:

ORC is a gated, private community committed to meeting the commercial and communication needs of its residents on site. As such, areas identified for commercial development need to have the appropriate FLUM to allow commercial development.

(iv.) New issues

Staff identified this parcel as have inconsistent zoning and FLUM designations. Research showed that a land use designation change occurred in 1996 under a development agreement with Ocean Reef but the corresponding FLUM designations were never updated. Staff is attempting to remove these inconsistencies.

(v.) Recognition of a need for additional detail or comprehensiveness:

There are limited areas in ORC that are zoned for commercial uses. Changing the land use designation and FLUM of this parcel will allow this area of Ocean Reef to be developed for both commercial and residential uses in a cohesive way.

3. The subject properties were zoned RU-3, RU-1 and GU prior to 1986.
4. The subject properties were assigned zoning of Sparsely Settled (SS) in 1986.
5. The subject properties were changed to a Sub Urban Commercial (SC) Land Use Designation in 1996 pursuant to an agreement between Ocean Reef and Monroe County.
6. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, followed the land use district boundary and designated a future land use category of Residential High (RH), Recreation (R), and Airport District (AD) for the SS parcel.
7. The FLUM designations were not changed in 1996 when the Land Use Designation was changed.
8. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.
9. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
10. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.

WHEREAS, the Development Review Committee made the following

Conclusions of Law:

1. This map amendment meets criteria (ii), (iv), and (v) outlined in Section 9.5-511 of the Monroe County Land Development Regulations.
2. This map amendment will not result in a negative impact or alter the character of the properties or the immediate vicinity.

3. Based on the Findings of Facts presented, the proposed Future Land Use Map designation is appropriate for this property and will allow the owners to make full use of the subject property.

NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA, to recommend **APPROVAL** to the Monroe County Planning Commission of the request filed by Monroe County Planning to amend the Future Land Use Map (FLUM) from Recreation (R) to Mixed Use/Commercial (MC) is for property described as part of the NE ¼ of the SW ¼ of Section 7, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate numbers: 00081720.000302 and 00081740.000300 and from Recreation (R), Residential High (RH), and Airport District (AD) to Mixed Use/Commercial (MC) for property described as part of the NE ¼ of the SW ¼ of Section 7, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate numbers: 00081720.000300.

PASSED AND ADOPTED by the Development Review Committee of Monroe County at a regular meeting held on the 11th day of April, 2006.

Heather Beckmann, Sr. Planner	<u>YES</u>
Ralph Gouldy, Sr. Administrator of Environmental Resources	<u>YES</u>
Clarence Feagin, Sr. Planner	<u>YES</u>
Julianne Thomas, Planner	<u>YES</u>
Department of Health (by FAX)	<u>YES</u>
Department of Public Works (by FAX)	<u>YES</u>
Department of Engineering (by FAX)	<u>YES</u>

DEVELOPMENT REVIEW COMMITTEE OF
MONROE COUNTY, FLORIDA

By _____
Heather Beckmann, DRC Chair

Signed this _____ day of _____, 2006

STAFF REPORT

Memorandum

To: Board of County Commissioners
From: Julianne Thomas, Planner
Alex Score, Biologist
Date: July 27, 2006
Re: Request for Future Land Use Map Amendments

MEETING DATE: August 16, 2006

RE NUMBER: 00081720.000300

EXISTING FUTURE LAND USE MAP DESIGNATION: Recreation (R), Residential High (RH) and Airport District (AD)

PROPOSED FUTURE LAND USE MAP DESIGNATION: Mixed Use Commercial (MC)

EXISTING ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPOSED ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPERTY OWNER: Ocean Reef Acquisition Corp.

AGENT: None.

PROPERTY INFORMATION

Key: Key Largo **Mile Marker:** Ocean Reef

Size of Parcel: 233,995.5 S.F. or 5.37 acres

RE NUMBER: 00081720.000302

EXISTING FUTURE LAND USE MAP DESIGNATION: Recreation (R)

PROPOSED FUTURE LAND USE MAP DESIGNATION: Mixed Use Commercial (MC)

EXISTING ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPOSED ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPERTY OWNER: Ocean Reef Art League Inc.

AGENT: None.

PROPERTY INFORMATION

Key: Key Largo **Mile Marker:** Ocean Reef

Size of Parcel: 22,104 S.F. or 0.51 acres

RE NUMBER: 00081740.000300

EXISTING FUTURE LAND USE MAP DESIGNATION: Recreation (R)

PROPOSED FUTURE LAND USE MAP DESIGNATION: Mixed Use Commercial (MC)

EXISTING ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPOSED ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPERTY OWNER: Ocean Reef Volunteer Fire Dept.

AGENT: None.

PROPERTY INFORMATION

Key: Key Largo **Mile Marker:** Ocean Reef

Size of Parcel: 47,591.12 S.F. or 1.09 acres

Location Detail & Brief Description:

The property is located on Key Largo in Ocean Reef. This property is the site of the Ocean Reef Art League Building, the Ocean Reef Public Safety office/fire station and some vacant land at the South end of the airport runway. The property changing from Recreation (R) to Mixed Use/Commercial (MC) is legally described as part of the NE ¼ of the SW ¼ of Section 7, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate numbers: 00081720.000302 and 00081740.000300. The property changing from Recreation (R), Residential High (RH), and Airport District (AD) to Mixed Use/Commercial (MC) is legally described as part of the NE ¼ of the SW ¼ of Section 7, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate number: 00081720.000300.

Existing Use:

The property is currently occupied by a variety of uses including the Art Club and a Public Safety building. There is also some vacant land at the South end of the airport runway.

Existing Habitat:

The property is disturbed with a planted buffer and landscaping of both native and exotic species.

Land Use and Habitat on the 1985 Existing Conditions Aerials:

The 1985 existing conditions aerials classify this property disturbed in panel #335.

Neighboring Land Uses and Character:

The surrounding properties are a variety of uses. Most of the parcels contain golf course or open space. The airport runway is to the northwest. A 20,700 sq. ft. medical center is being constructed to the northeast. There are single family homes to the South and East.

ZONING AND LAND USE HISTORY**Pre – 1986 Zoning:**

The subject properties were zoned RU-3, RU-1 and GU prior to 1986. The RU-3 designation was for multiple family residential in which multiple family dwelling or apartments may be constructed and occupied. RU-1 or single family residential district was intended to provide residential areas consisting of lots having an area of at least eight thousand square feet. GU was for a general use district with the purpose of establishing an interim land classification pending action to rezone the property for another use.

Considerations during 1986 comprehensive plan process:

During the 1986 revisions to the Monroe County Land Development Regulations and land use designations (Ordinance 33-1986 dated February 28, 1986), the subject property was re-designated as Sparsely Settled (SS) with FLUM designations of Residential High (RH), Recreation (R), and Airport District (AD).

Consideration during the 2010 comprehensive plan Process:

During the ensuing Comprehensive Plan process which culminated in the adoption of the Monroe County Year 2010 Comprehensive Plan in 1996, efforts were made to eliminate inconsistencies between the existing Land Development Regulations and the newly formulated Comprehensive Plan and to apply Future Land Use Map (FLUM) designations that were consistent with the land use district designations. The original designations were not consistent with the original zoning of Sparsely Settled (SS) nor are the designations consistent with the current zoning of Sub Urban Commercial (SC).

Map changes or boundary considerations since 1986:

These parcels were changed from SS to SC under a development agreement with Ocean Reef but the FLUM was not changed at the same time. Staff is seeking this change to make the zoning consistent with the FLUM designation.

ANALYSIS AND RATIONAL FOR CHANGE (Pursuant to Section 9.5-511 (d) (5) b.)

(i.) Changed projections:

None

(ii.) Changed assumptions:

Ocean Reef Club (ORC) is a gated community and private club that limits access to the community by non-residents and non-members. The community is a de facto municipality providing its own sewer, garbage, police, fire protection and medical services. ORC is isolated, 12 miles from Key Largo and 30 minutes from Florida City and Homestead.

The original change in zoning was granted in part based on much of the vacant land along CR-905 being turned into a wildlife refuge. Staff believed that the environmentally sensitive nature of the lands could be protected by reducing the number of trips on CR-905. One way to reduce the number of trips is to provide for more services on site. The only way to provide more services on site is to create more areas which will allow for commercial development.

ORC provides amenities to its residents in the form of commercial retail services, offices, restaurants, offices, schools, and recreation opportunities.

(iii.) Data errors:

None

(iv.) New issues:

Staff became aware that the FLUM was not changed for several areas in Ocean Reef that had zone changes. Staff would like to remove these inconsistencies and allow full development of these parcels.

(v.) Recognition of a need for additional detail or comprehensiveness:

The current zoning of SC properly reflects the uses which occupy the parcel. In order for these critical uses to continue, the FLUM needs to be changed to be consistent with this zoning.

(vi.) Data updates:

None

IMPACT AND POLICY ANALYSIS

Comparison of development potential for the Current and Proposed Land Uses:

1. Current Land development regulations (LDR's)

The property has a current FLUM designation of Recreation (R), Residential High (RH) and Airport District (AD) which is inconsistent with the SC land use district map designation.

Policy 101.4.4

The principal purpose of the Residential High category is to provide for high-density single-family, multi-family, and institutional residential development, including mobile homes and manufactured housing, located near employment centers.

Policy 101.4.9

The principal purpose of the Recreation land use category is to provide for public and private activity-based and resource-based recreational facilities.

Policy 101.4.16

The principal purpose of the Airport District land use category is to prohibit the development of residential, educational or other uses which are characterized by the regular presence of large numbers of people within the hazard areas of civil and military airports.

2. Potential Land Uses with Proposed Map Amendment

Staff is requesting a future land use map amendment from Recreation (R), Residential High (RH) or Airport District (AD) to Mixed Use Commercial (MC).

Policy 101.4.5

The principal purpose of the Mixed Use/ Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted.

Compatibility with adjacent land uses and effects on community character:

Density and Intensity

Changing the FLUM from R, RH, or AD to MC will not have any effect on community character because the FLUM of MC is consistent with the current SC zoning. The same is true for compatibility with adjacent land uses. These parcels are already being utilized with Sub Urban Commercial purposes and these FLUM changes only recognize current use and will allow Ocean Reef to continue to develop and utilize the commercial areas within its development.

Use Compatibility

The parcels are currently being used for community and commercial purposes. A change in the FLUM will allow these parcels to be developed to its greatest potential under its current SC zoning.

Effects on Natural Resources Goal 102

Goal 102 of the Year 2010 Comprehensive Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage

conservation and protection of environmentally sensitive lands. Future development would be required to comply with all Monroe County Code, State and Federal environmental regulations.

The Land use designation change and FLUM change will allow the parcel to be developed to its fullest potential and minimize the need to build or clear environmentally sensitive lands to provide services to the community.

Effects on Public Facilities: Objective 101.11

Monroe County shall implement measures to direct future growth away from environmentally sensitive land and towards established development areas served by existing public facilities. The proposed FLUM and Land Use District Map amendments will not affect Objective 101.11 and will encourage commercial development to remain on disturbed lands rather than encroaching on environmentally sensitive areas.

Local Traffic, Parking, and Traffic Circulation

The subject property is located in Ocean Reef, a gated community with limited access to non-members. Much of the travel within Ocean Reef is conducted using golf carts and staff has no evidence that there will be any local traffic, parking or traffic circulation issues created.

Effects on Public Facilities

ORC provides many of its own services in terms and anticipates no problem continuing to meet the community needs if this amendment is approved and enacted.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.

2. In accordance with **Section 9.5-511 (d) (5) (b):**

(ii.) Changed assumptions:

ORC is a gated, private community committed to meeting the commercial and communication needs of its residents on site. As such, areas identified for commercial development need to have the appropriate FLUM to allow commercial development.

(iv.) New issues

Staff identified this parcel as have inconsistent zoning and FLUM designations. Research showed that a land use designation change occurred in 1996 under a development agreement with Ocean Reef but the corresponding FLUM designations were never updated. Staff is attempting to remove these inconsistencies.

(v.) Recognition of a need for additional detail or comprehensiveness:

There are limited areas in ORC that are zoned for commercial uses. Changing the land use designation and FLUM of this parcel will allow this area of Ocean Reef to be developed for both commercial and residential uses in a cohesive way.

3. The subject properties were zoned RU-3, RU-1 and GU prior to 1986.

4. The subject properties were assigned zoning of Sparsely Settled (SS) in 1986.
5. The subject properties were changed to a Sub Urban Commercial (SC) Land Use Designation in 1996 pursuant to an agreement between Ocean Reef and Monroe County.
6. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, followed the land use district boundary and designated a future land use category of Residential High (RH), Recreation (R), and Airport District (AD) for the SS parcel.
7. The FLUM designations were not changed in 1996 when the Land Use Designation was changed.
8. The FLUM designation for these properties should be Mixed Use Commercial (MC).
9. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.
10. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
11. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.

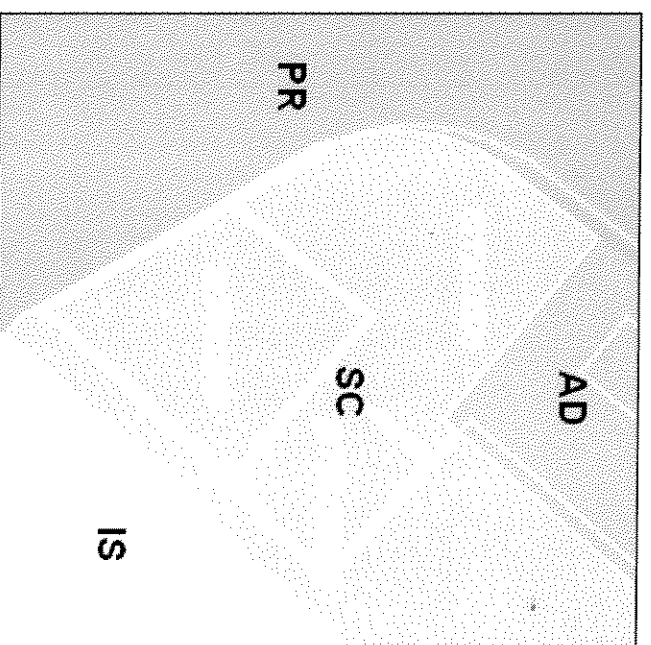
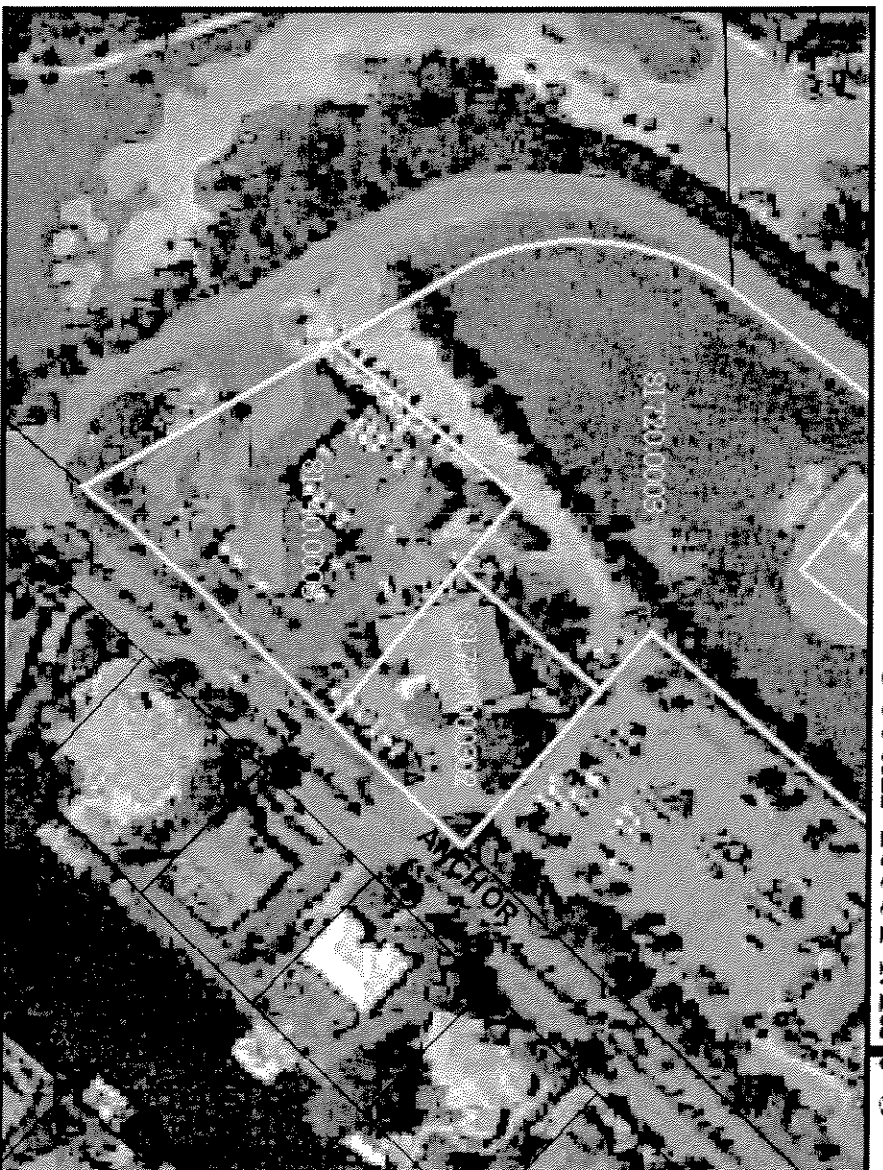
CONCLUSIONS OF LAW:

1. This map amendment meets criteria (ii), (iv), and (v) outlined in Section 9.5-511 of the Monroe County Land Development Regulations.
2. This map amendment will not result in a negative impact or alter the character of the properties or the immediate vicinity.
3. Based on the Findings of Facts presented, the proposed Future Land Use Map designation is appropriate for this property and will allow the owners to make full use of the subject property.

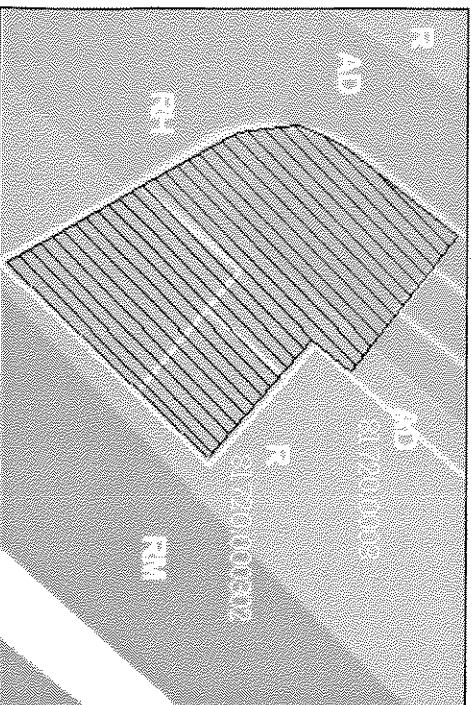
RECOMMENDATION:

Based on the above Findings of Fact and Conclusions of Law, staff recommends **APPROVAL** to the Board of County Commissioners for the proposed Future Land Use Map amendments from Recreation (R) to Mixed Use/Commercial (MC) for real estate numbers: 00081720.000302 and 00081740.000300 and from Recreation (R), Residential High (RH), and Airport District (AD) to Mixed Use/Commercial (MC) for real estate number: 00081720.000300.

Ocean Reef Map 5



The land use designation map is not changing.



The future land use map is changing.

The hatched area in RE# 81720.0003 is changing from Recreation (R), Residential High (RH) and Airport District (AD) to Mixed Use/ Commercial (MC).

The hatched area in RE# 81720.000302 is changing from Recreation (R) to Mixed Use/ Commercial (MC).

The hatched area in RE# 81740.0003 is changing from Recreation (R) to Mixed Use/ Commercial (MC).

RESOLUTION NO. -2006

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **TRANSMITTING** TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS THE REQUEST BY THE MONROE COUNTY PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO AMEND THE FUTURE LAND USE MAP (FLUM) OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FOR THE FOLLOWING PROPERTIES FROM RECREATION (R), RESIDENTIAL HIGH (RH), AND AIRPORT DISTRICT (AD) TO MIXED USE COMMERCIAL (MC). THE PROPERTIES ARE LOCATED AT THE SOUTH END OF THE OCEAN REEF AIRPORT RUNWAY. THE PROPERTIES ARE LEGALLY DESCRIBED AS PART OF THE NE ¼ OF THE SW ¼ OF SECTION 7, TOWNSHIP 59S, RANGE 41E, OCEAN REEF, KEY LARGO, MONROE COUNTY, FL. THE REAL ESTATE NUMBERS ARE 00081720.000300, 00081720.000302 AND 00081740.000300.

WHEREAS the Monroe County Board of County Commissioners makes the following findings of fact:

1. The Development Review Committee held a meeting on April 11, 2006 and recommended to the Planning Commission that they approve the proposed Future Land Use Map Amendments.
2. The Planning Commission acting as the Local Planning Agency held a duly advertised public hearing on June 28, 2006 and made a recommendation to the Board of County Commissioners that they approve the proposed Future Land Use Map Amendments.
3. The Monroe County Board of County Commissioners held a public hearing for the purpose of considering the transmittal to the Florida Department of Community Affairs for review and comment of a proposed amendment to the Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, changing the future land use designation of the properties described above.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Section 1. The Board of County Commissioners does hereby adopt the recommendations of the Planning Commission pursuant to the draft ordinance for adoption of the proposed Future Land Use Map amendment.

Section 2. The Board of County Commissioners does hereby transmit the proposed amendment to the Florida Department of Community Affairs for review and comment in accordance with the provisions of Chapter 163.3184, Florida Statutes.

Section 3. The Monroe County staff is given authority to prepare and submit the required transmittal letter and supporting documents for the proposed amendment in accordance with the requirements of 9J-11.006 of the Florida Administrative Code; and

Section 4. The Clerk of the Board is hereby directed to forward a certified copy of this resolution to the Director of Planning.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the 16th day of August, 2006.

Mayor Charles "Sonny" McCoy	_____
Mayor Pro Tem Dixie Spehar	_____
Commissioner George Neugent	_____
Commissioner _____	_____
Commissioner Glenn Patton	_____

BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA

BY _____
Mayor Charles "Sonny" McCoy

(Seal)

ATTEST: DANNY L. KOLHAGE, CLERK

Deputy Clerk

**BOCC ORDINANCE TO AMEND
THE FUTURE LAND USE DISTRICT MAP (FLUM)**